- (e) \* \* \* Such protection shall be applied solely with regard to applications filed subsequent to the request for a protected service area.
- (f) With respect to protected service area proposals, two applications will be regarded as mutually exclusive if they are:
- (1) Submitted during the same filing window;
  - (2) Otherwise grantable;
- (3) Mutually exclusive only because either or both applicants request a protected service area. However, if an applicant in such a situation shows that the resulting interference would occur solely over water, the applications will not be considered to be mutually exclusive.

### §74.910 [Amended]

- 4. Section 74.190 is amended by removing the entry Section 73.3564(a), (b) Acceptance of applications, and adding in its place, 73.3597(c)(2) Procedures on transfer and assignment applications.
- 5. Section 74.911 is amended by revising the third sentence of paragraph (a)(1), and by revising paragraph (c) to read as follows:

## §74.911 Processing of ITFS station applications.

(a) \* \* \*

(1) \* \* \* A major change for an ITFS station will be any proposal to add new channels, change from one channel (or channel group) to another, change polarization, increase the EIRP in any direction by more than 1.5dB, increase the transmitting antenna height by 25 feet or more, or relocate a facility's transmitter site by 10 miles or more.\* \* \*

\* \* \* \* \*

(c)(1) New and major change applications for ITFS stations will be accepted only on dates specified by the Commission. Filing periods will be designated by the Commission in a Public Notice, to be released not fewer than 60 days before the commencement of the filing period. Qualified parties will have no fewer than 5 business days within which to submit their applications. After termination of the filing period, the Commission shall release a Public Notice with a list of applications filed in the window and provide no fewer than 30 days for the submission of petitions to deny. Uncontested applications that are not mutually exclusive with any other application or licensed facility, and are found to be acceptable, shall be granted. Mutually exclusive applications shall be evaluated pursuant to the comparative

selection process set forth in § 74.913 as herein amended.

(2) The requirements of this section apply to a wireless cable entity requesting to be licensed on ITFS frequency pursuant to § 74.990. The application of such a wireless cable entity shall be included in the Public Notice released after the termination of the filing period.

6. Section 74.913 is amended by revising the first sentence of paragraph (d)(1), and adding a new paragraph (d)(5), to read as follows:

### §74.913 Selection procedure for mutually exclusive ITFS applications.

(d) \* \* \*

- (1) Enrollment will be considered as of the last date of the filing window during which the applications were filed, as provided by § 74.911(c).\* \* \*
- (5) A receive site not receiving interference protection may not be utilized by an applicant for tie-breaking purposes.

7. Section 74.932 is amended by adding a new paragraph (e), to read as follows:

# §74.932 Eligibility and licensing requirements.

\* \* \* \* \*

(e) No receive site more than 35 miles from the transmitter site shall be used to establish basic eligibility.

8 Section 74 991 is amount

8. Section 74.991 is amended by revising the last two sentences of paragraph (a) to read as follows:

## § 74.991 Wireless cable application procedures.

(a) \* \* \* A wireless cable application for available instructional television fixed service channels will be subject to § 21.914 of this chapter with respect to other wireless cable applicants, and to the ITFS window filing period with respect to instructional television fixed service applications. All lists of accepted applications for ITFS frequencies, regardless of the nature of the applicant, will be published as ITFS public notices.

[FR Doc. 95–10024 Filed 4–24–95; 8:45 am] BILLING CODE 6712–01–M

#### 47 CFR Part 90

[DA95-741]

### Inter-Category Sharing of Private Mobile Radio Services in the 806–821/ 851–866 MHz bands

**AGENCY:** Federal Communications

Commission.

**ACTION:** Notice of policy.

**SUMMARY:** The Wireless

Telecommunications Bureau has imposed a freeze on the filing of new applications for inter-category sharing on all private mobile radio service frequencies in the 806–821/851–866 MHz bands. This action was taken to ensure the continued availability of these channels to currently eligible Part 90 applicants not licensed in the Specialized Mobile Radio (SMR) Service until the Commission resolves intercategory sharing issues in PR Docket No. 93–144 and PP Docket No. 93–253. This action will assure the integrity of the Commission's licensing process.

EFFECTIVE DATE: April 5, 1995.

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Wireless Telecommunications Bureau, (202) 418–

**SUPPLEMENTARY INFORMATION:** This is a summary of the Wireless

Telecommunications Bureau's Order, DA95–741, adopted April 5, 1995, and released April 5, 1995. The full text of this Order is available for inspection and copying during normal business hours in the Private Wireless Division, Wireless Telecommunications Bureau, 2025 M Street, Room 5322, Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, Suite 140, Washington, DC 20037, telephone (202) 857–3800.

This will impose no paperwork burden on the public.

#### **Summary of Order**

- 1. The Wireless Telecommunications Bureau imposed a temporary freeze on inter-category sharing of frequencies in the 806–821/851–866 MHz band allocated to the Public Safety, Industrial/Land Transportation (I/LT), Specialized Mobile Radio (SMR) and Business Services, in response to a request by the Association of Public Safety Communications Officials, Inc. (APCO). This request was opposed by the Industrial Telecommunications Association, Inc. (ITA).
- 2. APCO asserts that as a consequence of a Commission-imposed freeze (59 Fed. Reg. 60111 (November 22, 1994))